

AMENDMENTS TO THE DRAWINGS

Attached is one (1) sheet of a replacement formal drawing depicting Figures 8a and 8b illustrating changes to Figure 8b.

Attachment: Replacement Sheet (1)

REMARKS/ARGUMENTS

Claims 1-5, 8-10 and 31-57 are pending. The specification and claims 1-14 are amended, claims 6, 7 and 11-30 are canceled, new claims 30-57 are added and a replacement version of Figures 8b is provided.

The Office Action objects to the drawings under 37 CFR 1.83(a). The headband arrangement of canceled claim 6 is illustrated in the revised Fig. 8b. Claims 7, 11-12 and 15 have been canceled. Withdrawal of the objection is requested.

The Office Action objects to claim 2. Claim 2 has been amended as suggested. Withdrawal of the objection is requested.

The Office Action rejects claim 7 under 35 USC 112, second paragraph and rejects claim 15 under 35 USC 112, first paragraph. Claims 7 and 15 have been canceled. Withdrawal of the rejections is requested.

The Office Action rejects claims 1-15 under 35 USC 112, second paragraph. Claim 1 has been amended as suggested. Claims 4 and 5 have been amended to obviate the rejection. Claims 7 and 11-15 have been canceled. Withdrawal of the rejection is requested.

The Office Action rejects claims 1, 3, 5-7 and 10-15 under 35 USC 102(b) over Drew (EP 1314445). This rejection is respectfully traversed.

Independent claim 1 recites a respiratory mask arrangement that includes a sealing portion forming a seal with a facial surface of a user, a covering portion which in cooperation with the sealing portion defines a mask interior, a headband for connecting the respiratory mask to a head of the mask user, and a respiratory gas conduit for delivering respiratory gas to the mask interior defined by the covering portion, wherein the respiratory gas conduit is connected to the covering portion, and the covering portion includes a woven material.

In contrast, the mask 10 of Drew includes a rigid plastic mask shell 12. See [0033]. The rigid plastic mask shell 12 is not a covering portion including a woven material as recited in claim 1. While Drew does disclose a gas washout vent constituted by an opening 26 in the rigid plastic shell 12 across which extends a thin, air-permeable membrane 28, the membrane 28 is not connected to a respiratory gas conduit as recited in claim 1 of the application. The membrane 28 is not equivalent to the recited covering portion, but is instead a membrane insert formed in the hard plastic shell 12, where the hard plastic shell 12 is connected to the gas inlet 20. See [0033]-[0034].

Accordingly, claim 1 and all claims dependent therefrom are not anticipated by Drew. Withdrawal of the rejection is requested.

The Office Action rejects claim 4 and 8-9 under 35 USC 103(a) over Drew. Claims 4 and 8-9 are allowable by virtue of their dependence on claim 1 for the reasons given above. Withdrawal of the rejection is requested.

New claims 31-57 have been added. Entry and allowance of these new claims are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all claims are patentable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the below listed telephone number.

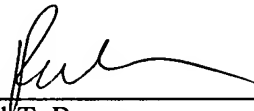
The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith

MADAUS et al.
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(or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140
under Order No. PTB-4750-34.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Paul T. Bowen
Reg. No. 38,009

PTB:DJZ
Attachment:
Replacement Figure 8b (1 sheet)

901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100